

LOCAL

Shifting sands: Who has access to Lloyd's Beach in Little Compton?

[Paul Edward Parker](#) The Providence Journal

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LITTLE COMPTON — This is a place well suited to keeping secrets.

Tucked into a remote corner of the state with the ocean on two sides, it's not on the way to anywhere. Some jokingly call it the end of the world.

Its 3,616 residents don't relish discussing their affairs with outsiders.

Especially when it comes to Lloyd's Beach and who's allowed access to the primordial strip of sand and rocks at the town's southernmost tip: Sakonnet Point.

Many consider it the most beautiful spot in Rhode Island, with its view of the Sakonnet Point Lighthouse, spectacular sunsets, unspoiled nature and one of the darkest, most star-filled night skies in the state.

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But some perceive ugliness at the beach's entrance on Rhode Island Road: a gate in a chain-link fence. A sign warning that only Little Compton residents are allowed to enter this paradise. Sometimes, a guard is posted nearby to dissuade outsiders.

Laura Kelly, of South Kingstown, sees it both ways.

"This place is just so primitive," said Kelly. "It's beautiful."

Sakonnet is the name of the original inhabitants, a branch of the Wampanoag, as well as the place. It is said to mean "haunt of the wild black goose," an apt description of this natural spot teeming with birds.

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In the two years since Kelly and her boyfriend "discovered" Lloyd's Beach, she has watched sunsets over the water there and seen seals playing in the surf.

But one weekend this summer tarnished her view of the place.

"We decided to go on a Saturday, and that's when we ran into an issue," Kelly told The Providence Journal.

They encountered a woman seated at a folding table outside the gate. The woman said the beach was for Little Compton residents only. She asked Kelly to sign a book with her name and address.

"They tried to intimidate us by taking our names," Kelly said. "I refused to sign."

More about how that turned out later.

A 'screwy situation' two centuries in the making

"It's a little bit of a screwy situation down there," James Farrell, the town's beach manager, told The Journal. "Nobody's a hundred percent sure of what's right, what's wrong, who can do what down there. Nobody really knows what's really legal, illegal or what."

The saga of Lloyd's Beach and who can — and can't — go there has been more than two centuries in the making. Its characters include:

An 18th-century New Bedford merchant who, thankful that the town established a road to a farm he owned at Sakonnet Point, wanted to share his beach with the town.

A 19th-century Providence businessman who sued the town when he owned the beach over who had what rights to his land.

A Civil War veteran, and the inventor of the three-ring binder, who squandered the family fortune in his quest for a real estate empire next to the beach.

A muckraking Chicago journalist with socialist sympathies who took on the monopoly of John D. Rockefeller's Standard Oil.

A dermatologist from Newton, Massachusetts, who became active in Republican politics in Rhode Island and, as a state senator, brought about passage of a law to open another Little Compton beach to the public.

An executive at a well-known Rhode Island brewery, a resident of Providence, who wanted to keep people off his Sakonnet Point land.

A wealthy garden-club member, who, some say, cared more about birds than people.

A Manhattan-based investment banker who gave the state Coastal Resources Management Council some control over the beach and adjoining land.

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William Rotch plants the seeds for today's controversy — in 1796

It's known simply as the "Rotch deed." (Rotch rhymes with "coach.")

It's recorded in the town's land evidence in book 3, page 633.

It's the only reason anyone thinks that someone other than its private owners have a right to get to Lloyd's Beach.

In exchange for the "inhabitants of the Town of Little Compton" opening a road into the area of Sakonnet Point, as far as the north side of his farm, "I the said William Rotch do grant unto said Town the following priviledges."

Among those privileges, he gives the town permission to develop a port at "Fishing Place Cove," now called Sakonnet Harbor, and to gather seaweed and pile it on the cove's beach to take away later. He gives town residents the right to "cart away" sand from Sakonnet Point's beach. He gives residents "or other persons" the right to land boats at the point, haul them up onto Sakonnet Point's beach and "keep them there at their own pleasure."

Perhaps most importantly for the Lloyd's Beach situation, he grants "the priviledge of a driftway from said Fishing Place Cove to the point on the upland adjoining the shore."

Perhaps significantly, while some rights are specifically enumerated to the "inhabitants" of the town, the driftway is not distinguished from the rights granted "unto said Town."

Rotch signed the deed on Nov. 11, 1796.

A "driftway" is a form of right of way, like that involved with a "highway," "street" or "parkway." In fact, modern Rhode Island law treats the terms synonymously in a section governing taking land by eminent domain to build a road.

The "drift" part of "driftway" is related to "drive," because the earliest driftways gave outsiders permission to drive cattle over someone else's land, often on the way to market.

A seaweed dispute ends with some clarity on right of way

Some seven decades after Rotch signed his deed, confusion reigned over who could do what in the area from the harbor to the point.

Lemuel Sisson, a Methodist from Portsmouth known for social activism, became a tenant farmer on Rotch's land. His son, David, would one day own the entire tract.

David Sisson was involved in a number of businesses in Providence, including one under his name that sold whale oil as well as others that sold or made iron hardware, linen, printing and insurance.

His biggest impact on Lloyd's Beach began brewing in 1866, when Henry S. Brownell and some men went to the harbor to gather seaweed.

Brownell, in a lawsuit the next year, alleged that Sisson threw the seaweed out of Brownell's cart and blocked it and the men from passing.

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Sisson, in a separate lawsuit, alleged that Brownell was trespassing and demanded \$200 in damages, the value of the seaweed that Brownell had removed.

By 1868, the town had intervened to defend its rights in the Rotch deed.

Sisson; his wife, Sarah A. Sisson; and the town entered into binding arbitration, and the case was referred to three "referees" to decide several questions, among them "What, if any, way or right of way exists from said Fishing Place Cove along the uplands next to the shore ... to Seaconnet Point?"

The referees, two from Providence and one from Bristol, decided that a driftway exists from the harbor to the point. They ruled that the town must maintain "said roadbed" whenever it became "unfit for use or travel" unless the damage was caused by the sea, in which case Sisson had to repair it or provide adjacent farmland to replace what had been damaged.

As in the text of Rotch's deed, the referees found that the driftway belonged to the town, not the "inhabitants of the town."

The inhabitants — residents — were added to the equation a year later, when Sisson settled another grievance by agreeing to widen the driftway to 20 feet, from the 10 feet dictated by the referees.

In that agreement, dated April 15, 1869, but not entered into the town's land evidence records until 1906, the signers mischaracterized the referees' decision to say that the driftway belonged to the "inhabitants" instead of simply the town.

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More: Is this wealthy RI town using parking tickets to limit the public's access to the beach?

Civil War vet Henry Sisson dreams big, but squanders family fortune

Col. Henry Tillinghast Sisson, who as a young lieutenant participated in the Battle of Bull Run in July 1861, eventually commanded the 5th Rhode Island Heavy Artillery. He was called a hero for leading a mission that ran a Confederate blockade to resupply Union troops under siege at a fort on the Pamlico River in North Carolina. He is credited with inventing the three-ring binder and was the state's lieutenant governor for three one-year terms in the 1870s as a Republican.

Whatever success he had as a soldier, politician and inventor, it didn't follow him as a businessman.

Having been deeded the family's property, he quickly squandered his family fortune. In 1884, he defaulted on the mortgage to the family house in Sakonnet, now called the Stone House Inn.

By the 1890s, he was looking to cash in on the family land holdings at Sakonnet Point, drawing up a 646-lot subdivision, with 36 roads named for U.S. states, territories and the District of Columbia, and tried to market them as a cottage colony. He established a steamboat company to bring would-be buyers from the Providence area to Little Compton.

Those businesses went nowhere, though they indirectly affected the saga of Lloyd's Beach.

Steamboats would become an important part of the story a few years later, and one of the few roads ever realized in his subdivision serves Lloyd's Beach to this day: Rhode Island Road.

When his father transferred the land to him, the deed did not mention the driftway.

Journalist Henry Demarest Lloyd opens the beach to the public

Henry Demarest Lloyd earned fame and fortune taking on John D. Rockefeller and exposing the monopolist behavior of Standard Oil Co. He was said to be sympathetic to the Socialist Party.

Perhaps it's not surprising that, when he owned the land, the beach was open to the public. In many ways, the closing years of the 19th century and opening years of the 20th were the heyday for Sakonnet Point, if measured by the number of tourists and vacationers.

This was the steamboat era, led by the Queen City and the Islander, which brought tourists from Pawtucket and Providence to Sakonnet Harbor, home to dining halls, shops and a hotel.

"In addition to the promise of a shore dinner, Lloyd's Beach was a major attraction for Sakonnet's day-trippers, hotel guests, and residents alike," the Little Compton Historical Society wrote in a 2011 book, "Sakonnet Point Perspectives." "Originally called the Bathing Beach, day-trippers flocked to it in droves."

The success didn't last. Within a couple of decades, the tourist trade dried up, the steamboats stopped coming and the Hurricane of 1938 wiped away the remnants of the businesses that had served the visitors.

Another Lloyd grants shore privileges for 'inhabitants' only

Henry Lloyd, the muckraker, died in Chicago in 1903, followed by his wife, Jessie Bross Lloyd, the next year in Boston.

In 1913, their son, also named Henry Demarest Lloyd, but not styled a junior, made headlines in The Providence Sunday Journal.

"Shore privileges for 'inhabitants' only" was stripped across the top of an inside page in all capitals.

The story related that "a few years ago" Dr. Henry Lloyd had erected a stout wire fence and a sign — not unlike the one there today — telling Little Compton residents that they could get the key to the gate at his house, but that anyone else could be prosecuted for trespassing.

The fence and sign "occupies the land above tidewater just back from the beach and driftway [that] was for many years open to the public," the paper reported.

Lloyd put up the fence because the beach was becoming littered, the paper said, and he posted the sign because "excursionists went so far as to dig under the fence."

Lloyd, a Republican, was elected to the state Senate, and in 1938 he sponsored a bill to allow the town to take control of the private South Shore Beach, which is about four miles east of Lloyd's Beach. The bill passed the following year, and South Shore is still a public beach and the primary duty of town beach manager Farrell and the town's beach commission.

Beer executive Carl Haffenreffer tries to close the beach to everyone

Carl and Carolyn Haffenreffer acquired the beach after Henry D. Lloyd died in 1952 and his widow followed in 1957.

The Haffenreffer name is familiar in Rhode Island, in part because Carl was president of Narragansett Brewing Co., but mainly because of the family's philanthropy. Carl, along with his brother and mother, donated what's now called the Haffenreffer Museum of Anthropology to Brown University.

Carl and Carolyn bought the Sakonnet Point Lighthouse from the federal government and gave it to the nonprofit Friends of Sakonnet Lighthouse. And they donated most of Lloyd's Beach and upland meadows — except the beach access point next to Rhode Island Road — to The Nature Conservancy.

The transfer from Henry D. Lloyd to the Haffenreffers was accomplished under two deeds, neither of which mentions the driftway or excluding non-residents.

But that was clearly on Carl's mind in 1960.

He installed a fence and gate to block access to the beach to everyone.

A photo in the July 21 Journal of that year shows an entrance that looks essentially the same as what's there today a chain-link fence with a gate, between stone pillars.

"I did it only to get some action," he told the paper. After buying the property, he found that, "The beach was a mess," the paper reported. "Out-of-staters were littering it at picnics, midnight parties and drinking sprees."

After meeting with the Town Council, he agreed to pay for policing the area to keep out crowds on weekends and holidays and opened the gate — but to residents of the town only.

He cited the section of the Rotch deed that gave residents the right to cart off sand, but did not address the larger question of the driftway Rotch gave to the town.

He got around to that the following spring.

In a letter to the council, he acknowledged the right of way, running from near the harbor "to the tip of Sakonnet Point," The Journal reported on May 7, 1961. Haffenreffer asked the town to clean up debris on the right of way and suggested the town "close off the right of way as a safety precaution."

The paper reported a week later that the council had declined Haffenreffer's request to close the right of way and to clean up the debris, which was mostly driftwood.

A month after that, The Journal's afternoon paper, the Evening Bulletin, reported that the council had voted to make periodic litter inspections of the beach, but not to contribute to the cost of posting a constable at the gate.

Restrictions added to protect bird habitats, bar development

Fast forward about 20 years. The Haffenreffers now had extensive holdings near Sakonnet Point, including all of Lloyd's Beach, as well as properties on both sides of Rhode Island Road, plus along Washington Road, an interior way roughly parallel to Rhode Island Road.

The beach eventually was divided into three parcels, as they exist today:

1. One is at the corner of Rhode Island and Ohio roads, known as 1 Ohio Rd., which borders the gate to Lloyd's Beach and includes about 77 feet of beach.
2. The second, known as 5 Ohio Rd., starts east of 1 Ohio Rd. but curves around it to the south to meet the beach. It includes about 64 feet of beach.
3. The third and largest, known as Parcel B, encompasses about 14 acres and includes all of the half-mile beach that is not at 1 or 5 Ohio Rd.

Virtually all of the lots owned by the Haffenreffers, whether or not they include the beach, come with deeded rights to beach access, a stake in keeping out outsiders and myriad restrictions, including how tall trees and bushes can grow and how frequently landowners can cut the grass, in the interest of maintaining habitat for birds. Some areas are restricted to mowing once a year, while others can be cut once every three years, and some parts cannot be disturbed at all, while some can be mown at will.

When they sold 1 and 5 Ohio Rd. in the early 1980s, the Haffenreffers included a deed covenant allowing them to continue to use the driftway "in common with the inhabitants of the Town of Little Compton," a covenant allowing them to post a "guard or watchman to prevent use of the driftway" by outsiders and a covenant requiring the owner of 5 Ohio Rd. to pay one-quarter the cost of having "a security guard stationed at the Rhode Island Rhode end" of the driftway "on holidays and week-ends between June 1 and October 15 of each year."

The Haffenreffers also deeded conservation easements to the state, forever preventing any kind of development on much of their land.

Investment banker gives coastal council some control over beach

John C. Whitehead, nearing retirement from New York investment bank Goldman Sachs, where he had served as chairman, acquired 1 and 5 Ohio Rd. in July 1983.

As a Navy ensign in 1944 he was in charge of five of the landing craft that would ferry troops to Omaha Beach for the D-Day invasion of Normandy.

He also, as chairman of the Lower Manhattan Development Corporation, led the effort to rebuild after the 9/11 attacks destroyed the twin towers of the World Trade Center.

Whitehead bought 5 Ohio Rd. directly from the Haffenreffers. It already included a barn that had been converted into a house.

He bought 1 Ohio Rd. from the Rhode Island Foundation, which had acquired it through a trust in 1981 from the Haffenreffers. He built a house on it, which he used as a summer home.

Unlike the deeds when the Haffenreffers sold the lots, Whitehead's deed from the Rhode Island Foundation carried no mention of a guard or excluding outsiders, although it did mention the rights of residents to use the driftway, as well as acknowledging "the rights of the public in the shore of the Atlantic Ocean."

Whitehead appears to have done his part in keeping a guard at the gate to Lloyd's Beach.

But, besides keeping outsiders out, he also took steps to keep the ravages of man from spoiling the fragile beach environment.

In 2009, Whitehead granted a conservation easement to the state Coastal Resources Management Council that prohibits development on his parcels or any activity that would damage the wildlife habitat.

The easement, which lasts forever, includes all 141 feet of beach on the two parcels.

While the CRMC conservation easement may not affect public access to the beach, it does, ironically, forbid signs and fences.

Whitehead died Feb. 7, 2015, at age 92.

Today, his house at 1 Ohio Rd. is owned by a trust that bears his name, while 5 Ohio Rd. is owned by the Sakonnet Point Barn Trust, which bought it for \$4.5 million last November, according to town tax records.

His widow, fourth wife Cynthia Matthews Whitehead, 86, who occasionally lives at 1 Ohio Rd., wants nothing to do with the Lloyd's Beach controversy, according to beach manager Farrell.

Reached last week at the house, which is owned by the Whitehead Trust, Cynthia Whitehead said she wouldn't want to be quoted as being disinterested in the situation, but she didn't express a strong opinion about it.

"We don't have anything to do with it anymore," she said, adding that she lives mainly in New York and doesn't get up to Little Compton often. Even when she does, she said, because of her age, she seldom goes on the beach, which is rocky and difficult to navigate in spots.

"I think it's a wonderful thing, and it's lovely," she said. "The point is pretty."

But she suggested that out-of-towners go to the public South Shore Beach about four miles away.

"Nobody means to exclude anyone," she explained. "This one is so small, and it would get very crowded. The beach is just going to be littered, and it could end up getting destroyed."

John Whitehead's deeds to the trusts that now control his former property make no mention of the driftway, who can use it or a guard. They merely describe the boundaries of the property.

Most of beach donated to Nature Conservancy by Carol Haffenreffer

Carolyn Haffenreffer, environmentalist, preservationist, philanthropist and president of the Little Compton Garden Club, died Dec, 13, 2003, at the age of 91.

Two months before, with her son David H. Haffenreffer signing on her behalf as her attorney, Carolyn Haffenreffer donated the 14-acre Parcel B to The Nature Conservancy to preserve it forever as a wild place. Besides the beach, it includes extensive upland meadows and the sandy cape of Sakonnet Point, washed by waves from the Sakonnet River on one side and the Atlantic Ocean on the other.

Haffenreffer and her husband, as much as anyone, can be credited with preserving the primitive beauty of this contested strand and maintaining it as a haunt for wild birds.

Tim Mooney, a spokesman for The Nature Conservancy, said the group doesn't have a problem with people accessing the beach, while noting the conservancy's view: "It is private property. There's no requirement that it be open."

He added, "We're trying to be good stewards of the property. The use of the beach is consistent with our intent on conserving it. It's not closed."

Many, including Mooney, have noted that several factors, other than a guard at the gate, tend to regulate the number of people who go to Lloyd's Beach.

First, there are no concession stands, restrooms or other facilities; the beach only attracts those who want a primitive experience with the natural environment.

Also, it's out of the way. Little Compton is about an hour's drive from Providence, with the nearest major highway almost half an hour away.

And, most of all, "One of the biggest problems is just parking down there," said beach manager Farrell.

Rhode Island Road is short and narrow, with parking only possible on one side, and there are few other places to park in the area.

While "no parking" signs line one side of the Rhode Island Road — plus a short section of both sides at the end so cars can turn around, "Anybody can park there," said Town Administrator Antonio Teixeira. "Just about anybody — residents, or wherever they come from — can park and walk right onto the beach."

Teixeira added, "Don't leave your trash behind. Don't create a nuisance. You're more than welcome to come enjoy the waterfront."

(Though Lloyd's Beach is technically not a town beach, the town goes onto the beach several times a year to pick up trash, Farrell said.)

'I'm not going to sign a book to access a beach'

"I'm not going to sign a book to access a beach that I've been coming to," said Kelly, a North Carolina native, Air Force veteran, University of Rhode Island graduate, former police dispatcher and journalist, who now does editorial work for a Navy defense contractor.

After discussing Rhode Island's constitutional right to access the shore, Kelly asked the woman at the gate, "What's going to happen if we walk on without signing?"

And then Kelly and her boyfriend did just that.

"She didn't prevent us, but she did discourage us," Kelly said. "She didn't call the cops or anything. I am glad we weren't arrested, but it was a worry."

Kelly provided The Journal with an email she sent to the CRMC asking the agency to investigate access at Lloyd's Beach.

Laura Dwyer, a CRMC spokeswoman, said that no one has contacted the agency's enforcement staff about the beach.

Does Rhode Island Road hold the key to beach's access?

Virtually all the plans recorded in the Little Compton town clerk's office that show Rhode Island Road depict the right of way for the road continuing to the edge of the water.

But what if that is in error — or even an intentional deception?

Instead of going straight to the water, could the road's right of way turn left onto Lloyd's Beach, following the driftway in the Rotch deed all the way to the point?

Standing at the end of Rhode Island Road — or looking at aerial photos — it's plain to see that the road curves toward the gate.

The conservation plan that Whitehead submitted to CRMC looks like the path to the beach is a continuation of Rhode Island Road curving to the left.

Town administrator Teixeira told The Journal, "Cars used to travel right along that beach."

In a 1970 book "Notes on Little Compton," the Little Compton Historical Society published a reminiscence of Sakonnet, by Martha F. Patten.

She talked about the steamboats that brought tourists in the years before World War I and about the Lyman House, a hotel that stood on Rhode Island Road.

"The road that passed the hotel ran through the gate to Lloyd's beach," she wrote.

But that's all conjecture and hearsay about where the road ends. The only way to know for sure is to conduct a legal title search and have surveyors map the land.

Teixeira said he once raised that idea.

"The interest is not there to pursue a title search and survey," he said.

A fragile détente allows access to Lloyd's Beach — for now

The people of Little Compton, for the most part, are content with the uneasy détente that's as fragile as the ecologically sensitive beach. Both sides have much to lose if the status quo is upset.

An unfettered opening could bring countless hordes to the pristine beach, interrupting the peace, solitude and unspoiled environment, not to mention overwhelming the ability of Rhode Island Road and its neighborhood to handle the parking.

An opposite result could bring a padlock to the gate and a complete loss of access.

It's best, in some minds, that no one know the true status of Lloyd's Beach, which is basically open to those who know about it.

Said beach manager Farrell:

"They want to keep it secret."